

REMARKS

Claims 1 and 17 have been amended. Claims 1-19 are pending in the application. Entry of the amendment, and reexamination and reconsideration of the application based on the above-indicated amendments and the following remarks are respectfully requested.

Claims 1, 2, 6, 15 and 16 have been rejected under 35 U.S.C. § 112, first paragraph, for the reasons indicated on page 2 of the Office Action. This rejection is respectfully traversed for the following reasons.

The Examiner indicated that the specification, while being enabling for the solvates prepared, does not reasonably provide enablement for other solvents. In response, claim 1 has been limited to "the solvate being a solvate of 1-propanol, 2-propanol, 2-pentanol, 1-pentanol, t-amyl alcohol, or a mixture of two or more thereof." Solvates of the foregoing alcohols are disclosed in the examples.

Claims 2, 6, 15 and 16 depend from claim 1 and are enabled for the same reasons as claim 1.

Withdrawal of the rejection of claims 1, 2, 6, 15 and 16 under 35 U.S.C. §112, first paragraph, is believed to be warranted and is respectfully requested.

Claims 17-19 have been rejected under 35 U.S.C. §112, first paragraph, for the reasons indicated on pages 2-3 of the Office Action. This rejection is respectfully traversed for the following reasons.

The Examiner indicates that claims 17-19 were enabled for the compound represented by formula (II) or the crystal thereof, but not for the solvate. In response, the Applicant has amended claim 17 to specify producing the compound of formula (II) or a crystal thereof. Claims 18 and 19 depend from claim 17 and are enabled for the same reasons as claim 17. Claim 19 specifies the formation of a monohydrate (or 1-hydrate) crystal. This is shown in Example 6. It is thus respectfully submitted that claims 17-19 are enabled.

Withdrawal of the rejection of claims 17-19 under 35 U.S.C. §112, first paragraph, is believed to be warranted and is respectfully requested.

Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is respectfully solicited.

In the event there are any issues the Examiner would like to discuss with the undersigned attorney, it is requested that he contact the undersigned by telephone.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. SHIOP0100US.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

By: /Neil A. DuChez/
Neil A. DuChez, Reg. No. 26,725

1621 Euclid Avenue - 19th Floor
Cleveland, Ohio 44115-2191
(216) 621-1113